

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, AUGUST 3, 2004.

**Board Members Present:**     **John F. Coates, Chairman**  
   **Steven L. Walker, Vice-Chairman**  
   Sue D. Hansohn  
   James C. Lee  
   Steven E. Nixon  
   Brad C. Rosenberger

**Member(s) Absent:**             William C. Chase, Jr.

**Staff Present:**                     Frank T. Bossio, County Administrator  
   J. David Maddox, County Attorney  
   Valerie H. Lamb, Finance Director  
   John C. Egertson, Planning Director  
   Peggy S. Crane, Deputy Clerk

**CALL TO ORDER**

Mr. Coates, Chairman, called the meeting to order at 10:00 a.m.

**INVOCATION**

Rev. Lanny Horton, Director of Shiloh Baptist Association, presented the invocation.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Mr. Walker led the members and the audience in the Pledge of Allegiance to the flag.

**RE: APPROVAL OF AGENDA - ADDITIONS AND/OR DELETIONS**

Mr. Bossio, County Administrator, asked that the following changes be made to the agenda:

Under **UNFINISHED GENERAL COUNTY BUSINESS**, move **RE: CONSIDERATION OF A REQUEST TO ACT ON A MOTION BY THE SCHOOL BOARD**, to after the **CLOSED SESSION**;

Under **ADMINISTRATOR'S REPORT**, add Item 3, **Lowe's Official Grand Opening** scheduled for Wednesday, August 4, 2004, at 9:00 a.m.; and

Under **CLOSED SESSION**, add (C) Under *Virginia Code* § 2.2-3711(A)(1), to consider appointment to the Agricultural Resource Advisory Committee.

Mr. Walker moved, seconded by Mrs. Hansohn, to accept the agenda as amended.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

**RE: MINUTES**

The minutes of the July 6, 2004 regular meetings were presented to the Board for approval.

Mr. Walker moved, seconded by Mr. Nixon, to approve the minutes as submitted.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

Mr. Coates announced that Mr. Chase was not present for the morning session, but he planned to be at the evening session.

**CONSENT AGENDA**

Mr. Bossio reviewed the following Consent Agenda items with the Board:

- a. The Board will consider approving a budget amendment for the Treasurer's Office for Pro-Rata reimbursement from Revenue Maximization Funds for additional duties related to the Revenue Maximization Program in the amount of \$10,000;
- b. The Board will consider approving a budget amendment for the Commissioner of the Revenue's Office, due to the additional workload generated by the increase of building within the County, to carry forward into FY 05 unused FY 04 funds in the amount of \$7,499 to be used for part-time assistance;
- c. The Board will consider a request from the Virginia Department of Transportation to accept the following roads into the Secondary System of State Highways: Section 6 on Lover's Lane, and Sections 7 and 8 on Mt. Pony Road; discontinue Sections 1-5 to include Sections 1 and 2 on Zachary Taylor Highway; Section 3 on Lover's Lane, Sections 4 and 5 on Mt. Pony Road; and to renumber Brooks Memorial Way (Section 9); State Route 794 from Route 658 as part of the Route 3 Project;
- d. The Board will consider a request from the Virginia Department of Transportation to abandon a portion of Keyser Road from State Route 699 to Route 799, and to add a section from State Route 699 to Route 799 into the Secondary System of State Highways; and
- e. The Board will consider a request from the Virginia Department of Transportation to abandon Section 1 on Edward's Shop Road, State Route 620 to Route 674, and to add Section 2, State Route 620 to Route 674, into the Secondary System of State Highways.

Mrs. Hansohn moved, seconded by Mr. Lee, to approve the Consent Agenda as

presented.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

**GENERAL COUNTY BUSINESS**

**NEW BUSINESS**

**RE: GERMANNA TECHNOLOGY CENTER**

Dr. Frank Turnage, President of Germanna Community College, discussed concerns regarding funding for the new Germanna Technology Center and provided Board members with printed information to assist in the discussion. He explained that the construction bids for the Center were \$2 million over budget, primarily due to recent inflation in the construction industry driven by high demand for services, and escalating building materials and labor costs. He reviewed the various phases of the project beginning with the original cost estimates in 2001 and the \$5,555,000 bond referendum approved in November 2002 to the current lowest bid of \$7,999,031 from C. L. Lewis & Company

Dr. Turnage informed the Board that he had sought permission from the State Bureau of Capital Outlay Management to negotiate with C. L. Lewis & Company regarding the possibility of reducing some of the costs in the project. He said the first response was negative, but subsequently permission was given to proceed, and he met with the contractor and architect and developed a list of items to be reviewed. He stated that the contractor would be returning that list with amounts by August 6, and he was hopeful that several hundred thousand dollars could be saved. He added that the contractor had also agreed to extend the bid price past the original 30 days to the first of September.

Dr. Turnage reviewed monetary commitments from the County and Town of Culpeper, as well as the Counties of Orange and Madison. He also provided information on private donations from the Germanna Foundation. He said that basically the \$5,555,000 bond and \$1.7 million in pledges were what they had to work with. He stated that the General Assembly had appropriated \$1.5 million in the 2004 legislative session for moveable equipment and furnishings, but he would seek permission to move that money forward to apply to construction costs and replace it at a later date to buy equipment and furnishings. He also mentioned that there was a possibility of borrowing money against the land value, but they would proceed

cautiously in that direction because planning was currently underway on the uses for the balance of the property.

Dr. Turnage stated that he believed the community was strongly committed to the Technology Center. He asked the Board to consider offering a resolution or a letter that Culpeper County had been committed to this project from its conception, had previously supported it with a \$1 million cash commitment and a commitment of approximately \$500,000 for the road, and that the Board was committed to working with the College to resolve the current funding issues.

Mrs. Hansohn inquired regarding the amount of a possible line of credit on the additional land. Dr. Turnage replied that, from preliminary discussions, the maximum limit would be approximately \$1 million – \$1.5 million, but none of the details had been worked out.

Mr. Walker asked whether there was a time frame for the Board's resolution. Dr. Turnage stated it would be needed as quickly as possible.

Mr. Walker stated that he was sure Dr. Turnage was aware of the County's financial situation with its other building projects, particularly the new high school, and asked whether Germanna had been in discussions with the School System regarding ~~financial~~ assistance. Dr. Turnage replied that he would talk with the School System about ideas and possibilities for assistance, such as using space in the new Technology Center, but space would be somewhat limited. *(Word "financial" was stricken at the September 7, 2004 Board of Supervisors meeting)*

Mrs. Hansohn asked Dr. Turnage whether the General Assembly would be agreeable to providing additional funding if he pursued the line of credit. Dr. Turnage replied that he felt that the General Assembly would feel that the Technology Center had been taken care of and that the legislators had no further responsibility. He pointed out that other jurisdictions were faced with similar circumstances, but the County was fortunate to have had the Governor's and Mrs. Connie Kincheloe's assistance from the beginning. He said the legislature would be under considerable pressure to address similar shortfalls throughout the Commonwealth, but he would do everything possible to access additional State resources.

Mr. Nixon asked whether the Board's resolution would require a monetary commitment. Dr. Turnage stated that the resolution could be open ended, but should state that either the Board was committed to working with Germanna to address the funding shortage or the Board could include a commitment to address the funding shortage, not to exceed a particular amount.

Mr. Nixon inquired whether Dr. Turnage had received a response from the Town. Dr. Turnage stated he met with the Town Council's Finance Committee that morning and felt the Town would give a similar recommendation being requested of this Board.

Mr. Nixon asked for a specific date the resolution would be required. Dr. Turnage replied it would be needed before September 1<sup>st</sup>. Mr. Coates asked whether a letter would suffice since a resolution would require an additional meeting of the Board to meet the time frame. Dr. Turnage replied that a letter would be sufficient.

Mrs. Hansohn stated she continued to be committed to the project, but additional funding from the State should be explored.

Mr. Bossio stated that staff could write a letter for the Chairman's signature stating that the Board would be willing to work with Germanna along the lines described by Dr. Turnage. Dr. Turnage agreed that would be satisfactory.

Mr. Lee stated that the Board should look at this project as a total education issue, not as a separate project. He said this was education beyond the elementary and high school levels and that should be kept in mind in the Board's commitment.

Mr. Nixon moved to write a letter in support of the Germanna Community College Center for Advanced Technology, without including a specific monetary commitment.

Mr. Coates stated that the entire Board was supportive of this project and the record would indicate that commitment. He said the Tech Center was a first step in the overall development of the property, and he hoped it would eventually become a community college for the growing community and surrounding area to support the campuses at Germanna and Fredericksburg.

Mr. Walker seconded the motion.

Mr. Nixon amended his motion to recommend that the Board send a letter to Dr. Turnage in support of the Tech Center, without including a specific monetary commitment at this time.

Mr. Walker stated that Mr. Lee's comment should be incorporated in the letter in terms of the Board's commitment to total education for Culpeper County. Mr. Nixon agreed.

Dr. Turnage thanked the Board for its support. Mrs. Connie Kincheloe also thanked the Board and assured them that she was working very hard to ensure that the County had a Technology Center.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

Mr. Coates recessed the meeting at 10:50 a.m.

Mr. Coates called the meeting back to order at 11:00 a.m.

Mr. Coates stated the Board would delay the next agenda item because it had been scheduled for 11:30 a.m.

**RE: REVENUE SHARING PROJECT – ROUTE 729 TO ROUTE 522 CONNECTOR**

John Egertson, Planning Director, provided an update on the revenue sharing project for the Route 729/Route 522 connector road and asked for the Board's endorsement regarding conceptual alignment and design of the road.

Mr. Egertson recalled that the project began as a connection from Route 729 to Route 522, and the Board applied for and received revenue sharing funds in the amounts of approximately \$23,000 and \$481,559. He stated the County had a grand total, local funds and VDOT funds, of approximately \$1 million. He noted that before VDOT could proceed with the early stages of designing the project, the conceptual alignment for the road and its actual design must be determined.

Mr. Egertson explained that both the Town and County Planning Commissions had reviewed the alignment of the connection, prioritized their number one road needs, and worked to identify the best possible alignment to solve the traffic problems for both the Town and the County. He pointed out the current Comprehensive Plan showed the road going inside the lake in that area, with 50 percent in Town and 50 percent in the County, but the revised alignment would be outside the lake to tie in better with the completed project at Route 729 and Ira Hoffman Lane. He said the proposed alignment would be primarily in the County, with one segment in the Town, which the Town was committed to funding 100 percent. He added that the Town may assist with the rest of the road as work progresses.

Mr. Egertson stated that the proposed alignment was the most logical point of connection of Route 522, particularly with the increased development within the Town, such as Riverdale, Pelham's Reach, Lakeview, and Redwood Lake, in order to draw traffic going North and to take it away from the downtown area at Route 522 and Main Street. He said the Planning Commission had endorsed the proposed alignment, and he asked for the Board's endorsement.

Mr. Egertson explained that the second issue for the Board's consideration was the general design for the road. He pointed out that the design was in line with what had been

done on Ira Hoffman Lane and McDevitt Drive. He said the proposal was to establish four lanes, but to construct only two lanes initially with revenue sharing funds. He stated that VDOT had suggested that the two outside lanes of the four-lane alignment be built, with the median, using the same design as that used for McDevitt Drive.

Mr. Walker asked whether the idea was to align the road with Pelham's Reach. Mr. Egertson replied that was correct. He said that Pelham's Reach was in the Town and had a main connection to Route 522, so there would be a four-way intersection. He added that the roads within Pelham's Reach would ultimately tie into both Lakeview and Redwood.

Mr. Walker stated it was his understanding that the road alignment had been changed because going below the lake would not be environmentally wise. Mr. Egertson stated that was correct.

Mr. Nixon asked whether right-of-way acquisition would be any different than before. Mr. Egertson assured him that it might actually create less of a problem because there were fewer property owners involved.

Mrs. Hansohn inquired about the time schedule for the project. Mr. Egertson stated that the project was in the preliminary engineering phase, the rights-of-way must be obtained, and, it would take numerous years of revenue sharing to obtain enough construction money to actually build the road.

Mrs. Hansohn asked whether other sources of revenue could be found, such as a commitment from a developer who anticipated building in that area. Mr. Egertson informed her that there had been some very preliminary contact about developing the property and those involved felt that possibly the project could be advanced much further if it were to become part of a development.

Mr. Coates asked for additional information regarding the preliminary engineering. Mr. Egertson deferred the question to VDOT.

Donald B. Gore, VDOT Resident Engineer, replied that if the Board approved the design of the road, it could enter into plan design, but he was awaiting direction from the County on how to proceed.

Mr. Coates asked whether the design done on McDevitt Drive was more expensive than building two lanes, grading for two additional lanes, and only paving two lanes at a time. Mr. Gore stated that the cost would not be that different, and it probably would be less expensive in the long range.

Mr. Coates stated that it was important for VDOT to review costs because this section of road was the first step in taking Route 522 to Route 729, and eventually to Route 29. He said he agreed with Mrs. Hansohn that some donations of rights-of-way should be pursued.

There was general discussion among the Board members and Mr. Egertson regarding the map posted showing various colored lines and the areas of development, as well as the impact of traffic on various roadways. Mr. Egertson displayed an aerial photograph of the area created by VDOT.

Mr. Nixon asked Mr. Egertson whether he needed a motion to proceed. Mr. Egertson replied that he would like to have the Board's approval to proceed with the conceptual alignment, and the design of the road could be discussed later after more detailed cost estimates were available.

Mr. Nixon moved, seconded by Mrs. Hansohn, to approve the conceptual alignment.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

**RE: RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES BOARD PERFORMANCE CONTRACT AND AREA AGENCY ON AGING FY 05 PROGRAM PLAN (RRCSB)**

Brian Duncan, Executive Director, RRCSB, recognized Ms. Carol Bouthilet, one of the three Culpeper County representatives on the RRCSB. He stated that the RRCSB Board of Directors had reviewed, provided input, and approved the RRCSB-AAA Performance Contract and Area Plan for FY 05 in June. He reported that the RRCSB planned to serve approximately 5,000 people in FY 05 in the areas of mental health, mental retardation, and substance abuse and aging services, of which 1,542 were located in Culpeper County. He pointed out there had been increased demands for services in Culpeper County because of its population growth, and more services were provided to Culpeper County than in Fauquier, Madison, Orange and Rappahannock Counties. He discussed funding sources that supported RRCSB's operations, including State General Funds, Federal dollars and local tax revenues, as well as some charitable contributions, but the largest part of the budget was made up of fees charged for services, mostly paid by Medicaid. He said there were approximately 350 staff, or 270 full-time equivalent positions, and indicated the number of staff allocated among mental health, mental retardation, substance abuse, aging, administration and transportation.



Mr. Duncan discussed various successes of the RRCSB in 2004, such as the (1) 23-unit elderly housing development in the Town of Culpeper for eligible low-income seniors, scheduled to open in the fall of this year; (2) collaboration with local Social Services' offices to expand Title IV-E funding for specialized children's prevention services, which generated over \$175,000; and (3) establishment of transportation as a reimbursed special needs (nonpublic) program, which brought a new source of revenue of over \$250,000.

Mr. Duncan stated that the 2005 initiatives included expanded children's services and improved regional access. He reported that the RRCSB had requested a significant increase in local funding of \$1.00 per capita region-wide and thanked the Board for its support in approving full funding. He noted that Fauquier and Rappahannock Counties also fully funded the request, and Madison and Orange Counties partially funded. He said the focus would be to bring the latter two counties back to regional equity.

Mr. Duncan asked the Board for a written endorsement of the performance contract.

Mrs. Hansohn asked for additional information on Title IV-E funding for specialized children's prevention services. Mr. Duncan replied that the plan was to utilize revenues from Title IV-E to hire an additional case manager for children's services to work collaboratively with Social Services and the School System in addressing the needs of children with serious emotional disturbance. He noted that the intent was to expand services to include children who were not Medicaid eligible.

Mrs. Hansohn asked whether there was an increase in the number of children who needed these services. Mr. Duncan replied that the demand was there due to population growth, and the RRCSB was only one of many agencies that provided services. He noted that the two groups that would require additional services were children and the elderly. He mentioned that the regional Elder Care Coalition had applied for a Robert Wood Johnson Foundation grant for long-range regional planning, and he was hopeful for the outcome of that initiative.

Mrs. Hansohn moved, seconded by Mr. Nixon, to approve the RRCSB-AAA Performance Contract and Area Plan.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

### **COMMITTEE REPORTS**

## **ECONOMIC DEVELOPMENT REPORT**

Carl Sachs, Economic Development Director, summarized his written report as follows:

1. The Commonwealth Transportation Board awarded a \$228,000 grant to Structural Systems (located in the former Keller Manufacturing building) under the Industrial Rail Access program to be used for constructing a new siding for delivery of raw material. Structural Systems reports that with the siding, they would be able to reach their maximum potential and job creation could reach as high as 300 new jobs.
2. The Virginia Regional Transportation Association approved funding for one County-wide bus, representing 85 percent of the cost of the vehicle and 80 percent of the annual operating expense. Routes and fee schedules would be developed by the Town's Public Transportation Advisory Committee, which included County representation.
3. The Department of Economic Department, the Chamber of Commerce and Culpeper Renaissance were co-hosting a Small Business Workshop presented by the SBA on August 9 at the Depot. The workshop would be open to the public at no cost.

Mr. Sachs stated he had been renamed to the Executive Board of the Thomas Jefferson Partnership for Economic Development and would continue to serve as Secretary.

## **AIRPORT ADVISORY COMMITTEE**

Mr. Bossio reported that the Airport Advisory Committee met, and there were no action items to be forwarded to the full Board.

## **ADMINISTRATOR'S REPORT**

Mr. Bossio presented the following Administrator's Report:

1. Channel 21 Awards. Mr. Bossio recognized Stan Karas of Channel 21, the station staff, and Cable Commission for winning Telly awards. He explained that the Telly Award was founded in 1978 to showcase and give recognition to outstanding non-network and cable television commercials, which was later expanded to include film and video productions, and it was one of the most sought after awards in the television commercial and video industry.
2. Consideration of request from the Museum of Culpeper History for usage of hangar space for a fund-raising event. Mr. Bossio stated that Linda Thornton and Zann Miner were present to discuss the request to use the hangar on October 16 for a tribute to veterans. He said it was a fund-raising activity, and the Museum was requesting the use of the hangar and permission to serve wine and beer at the event.

Mr. Nixon asked why the use of a hangar was being requested, rather than the Airport. Ms. Miner replied that (a) the hangar would better lend itself to the type of event planned, a USO-style dance, and (b) the hangar would accommodate the amount of space needed.

Mr. Walker asked whether the event was in lieu of or in addition to the Museum's Dinosaur Ball. Ms. Miner stated it would be in lieu of the Dinosaur Ball.

Mr. Walker stated that if the Board approved the request, he assumed it would be a one-time event in the hangar. Mr. Bossio pointed out that if plans progressed as anticipated, the hangar would be full of commercial airplanes in the future and whoever leased it would have to discuss availability and obtain the Board's approval to serve spirits.

Mr. Coates called attention to the limited parking available at the airport. Ms. Miner stated that if the Board granted permission for the use of the hangar, Museum staff would develop alternative solutions for parking, such as shuttling attendees from a satellite location to the hangar. Mr. Bossio suggested that the Civil War Trust be contacted about use of the parking area across the street.

Mr. Nixon moved to recommend approval for the Museum to use the hangar for the veterans' event. Mr. Walker seconded, for discussion purposes.

Mr. Walker asked the County Attorney whether there were any caveats that the Board needed to add with regard to having alcoholic beverages on the premises.

Mr. Bossio stated that before the County Attorney answered, he would like to mention that the Museum carried its own insurance to cover the event and had its own ABC license.

David Maddox, County Attorney, informed the Board that assuming all licenses and insurances were in place, it would be a discretionary matter for the Board to decide whether or not in this particular instance spirits could be served at this function.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

3. Lowe's Grant Opening scheduled for August 4 at 9:00 a.m. and Board members interested in attending should be there by 8:30 a.m. for a "board cutting" in lieu of a ribbon cutting.

Mr. Coates recessed the meeting at 11:48 a.m.

Mr. Coates called the meeting back to order at 11:55 a.m.

**CLOSED SESSION**

Mr. Walker moved to enter into closed session, as permitted under the following *Virginia Code* Sections, and for the following reasons:

1. Under *Virginia Code* §2.2-3711(A)(1), to consider: (A) Consideration of appointment to the Rappahannock Emergency Medical Services Council, Inc.; and (B) consideration of resignation from the Parks & Recreation Advisory Committee by nonattendance and possible appointment/reappointment to the Committee; and (C) consideration of appointment to the Agricultural Resource Advisory Committee.
2. Under *Virginia Code* § 2.2-3711(A)(3), to discuss consideration of the disposition of publicly held real property where public discussion could adversely affect the position or strategy of the County.
3. Under *Virginia Code* § 2.2-3711(A)(7), to discuss with the County Attorney information relating to the County's position in specific litigation.
4. Under *Virginia Code* § 2.2-3711(A)(7) and (30) to consult with the County Attorney regarding specific litigation and the expenditure of public funds in connection with specific potential contracts where public discussion would adversely affect the position or strategy of the County.
5. Under *Virginia Code* § 2.2-3711(A)(7) and (30) to consult with the County Attorney regarding the expenditure of public funds in connection with specific potential contracts where public discussion would adversely affect the position or strategy of the County.

Seconded by Mrs. Hansohn

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Nixon, Rosenberger, Walker

Nay - Lee

Absent – Chase

Motion carried 5 to 1.

Mr. Coates asked the County Attorney to discuss the time schedule.

Mr. Maddox explained that since it was almost time for lunch, the Board would consider items # 1-4 on the closed session agenda, break for lunch, and return at 2:00 p.m. for consideration of item # 5.

The Board recessed the meeting at 1:00 p.m. for lunch break.

The Board reconvened at 2:00 p.m. and re-entered into closed session.

The Board returned to open session at 4:40 p.m.

Mr. Coates polled the members of the Board regarding the closed session held. He asked the individual Board members to certify that to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements under Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Mr. Coates asked that the record show that Mr. Chase was not present for the closed session.

Ayes – Walker, Lee, Coates, Nixon, Rosenberger, Hansohn

**RE: AUTHORIZATION TO ADVERTISE FOR PUBLIC HEARING**

Mr. Walker moved, seconded by Mr. Lee, to authorize the notice of public hearing for the sale of parcel #13 in the Culpeper County Industrial Air Park subject to negotiation of a satisfactory contract of sale.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

**RE: ACCEPTANCE OF RESIGNATION**

Mr. Walker moved, seconded by Mr. Lee, to regretfully accept Bob Calhoun's resignation from the Parks & Recreation Advisory Committee.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

**RE: APPOINTMENT TO PARKS & RECREATION ADVISORY COMMITTEE**

Mr. Walker moved, seconded by Mr. Lee, to appoint Keith Harris to the Parks & Recreation Advisory Committee.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

**RE: AUTHORIZATION TO ADVERTISE FOR PUBLIC HEARING**

Mr. Walker moved, seconded by Mr. Lee, to authorize for a public hearing at the next Board meeting to amend the budget for the contract with SHW Group, Inc.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

**ADJOURNMENT**

Mrs. Hansohn moved to adjourn at 4:40 p.m. Seconded by Mr. Nixon.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

\_\_\_\_\_  
Peggy S. Crane, CMC  
Deputy Clerk

John F. Coates, Chairman

ATTEST:

\_\_\_\_\_  
Frank T. Bossio  
Clerk of the Board

APPROVED: September 7, 2004  
XX  
X

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, AUGUST 3, 2004.

**Board Members Present:** *John F. Coates, Chairman*  
*Steven L. Walker, Vice-Chairman*  
William C. Chase, Jr.  
Sue D. Hansohn  
James C. Lee  
Steven E. Nixon  
Brad C. Rosenberger

**Staff Present:** Frank T. Bossio, County Administrator  
J. David Maddox, County Attorney  
John C. Egertson, Planning Director  
Sam McLearen, Zoning Administrator  
Peggy S. Crane, Deputy Clerk

**CALL TO ORDER**

Mr. Coates, Chairman, called the meeting to order at 7:00 p.m..

**CITIZEN FORUM**

Mr. Coates opened the Citizen Forum and called for comments on any item that was not on the agenda.

Aaron Greso, West Fairfax District, recalled the past relationship between the Board of Supervisors and County citizens and compared it with the relationship of a family. He thanked the Board for its efforts.

With no further comments, Mr. Coates closed the citizen forum.

**RE: AGENDA ADDITIONS AND/OR DELETIONS**

Mr. Walker moved, seconded by Mr. Lee, to accept the agenda as presented.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

**PUBLIC HEARING**

**THE BOARD WILL RECEIVE PUBLIC COMMENTS AND CONSIDER LEASES FOR CO-LOCATION ON THE PREMISES OF COUNTY OWNED TOWERS LOCATED IN THE STEVENSBURG, CEDAR MOUNTAIN, CATALPA AND JEFFERSON DISTRICTS**

Alan Culpeper, Director of Procurement, requested approval for co-location on four of the five County-owned tower sites. He stated he had received applications from Nextel

Communications for co-location of an antenna on the Lignum tower site; from Virginia Broadband for the co-location of antennae and related equipment on the Lignum, Mitchell, Rixeyville and Landfill towers; and Cingular Wireless on the premises of the Lignum tower.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mr. Lee, to approve the leases presented for co-location on the County-owned towers.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

### **UNFINISHED PLANNING COMMISSION BUSINESS**

**STONE RIDGE – 54 LOT SUBDIVISION.** Request by Broadland Realty, LLC for approval of a 54-lot subdivision. The property is located on Routes 29 and 718 in the Salem Magisterial District and contains 176.16 acres. Tax Map/Parcel No. 39/33, and 49/2.

John Egertson, Planning Director, displayed a preliminary site plan for the Stone Ridge Subdivision. He said it had been postponed pending final review of the drainfield sites by the Health Department. He said the fieldwork was completed this afternoon, and he received a verbal approval from the Health Department on all of the lots.

Mr. Egertson said the Subdivision was located between Routes 29 and 718, and there was a connector road between those two existing roads, which will be a two-lane road on a four-lane right-of-way as shown in the Comprehensive Plan. He noted there was also a dedication of right-of-way at this location for a future interchange, which was also shown in the Comprehensive Plan and which the developer had requested be included. He said that the property was zoned R-1 Residential, and each of the lots met the minimum requirements. He stated that VDOT had given its approval, and it was recommended for the Board's approval.

Mr. Walker asked whether the concerns of Water Conservation regarding dry ponds, drainage, etc., been taken care of. Mr. Egertson stated those issues had been resolved.

Mr. Mike Stumbo, applicant, stated that Mr. Egertson had explained the request adequately, and he would be glad to answer any questions.



Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Lee moved, seconded by Mr. Nixon, to approve the request.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

**NEW PLANNING COMMISSION BUSINESS**

**ADDITION TO THE DEATHERAGE RUN AGRICULTURAL AND FORESTAL DISTRICT.**

Request by David V. Lowery to add 63.7 acres to the Deatherage Run Agricultural and Forestal District. The property is located off Route 229 in the Jefferson Magisterial District. Tax Map/Parcel No. 14/24E.

Sam McLearen, Zoning Administrator, informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission concurred with the Agricultural and Forestal Districts Advisory Committee and found this addition to the Deatherage Run Agricultural and Forestal District to be appropriate. He said the Planning Commission was recommending to the Board of Supervisors that the 63.7 acre addition to the Deatherage Run Agricultural and Forestal District be approved.

Mr. Egertson displayed a tax map highlighting the location of the property. He noted that Mr. Lowery recently withdrew a 67 acre parcel and subdivided four acres and donated it to the Little Fork Fire Department. Now he desired to put the remaining 63.7 acres back into the District. He noted the request was reviewed by the Agricultural and Forestal Districts Advisory Committee and it was being recommended for the Board's approval.

The applicant was not present.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Rosenberger moved, seconded by Mr. Nixon, to accept the recommendation of the Planning Commission for approval of the addition to the Deatherage Run Agricultural and Forestal District.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

**WITHDRAWAL FROM THE BRANDY STATION AGRICULTURAL AND FORESTAL DISTRICT.** Request by Crimora Witten Ayers to withdraw 40.90 acres from the Brandy Station Agricultural and Forestal District. The property is located on Route 665 in the Stevensburg Magisterial District. Tax Map/Parcel No. 32/31E.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission concurred with the Agricultural and Forestal Districts Advisory Committee and found this withdrawal from the Brandy Station Agricultural and Forestal District to be appropriate. He said the Planning Commission was recommending to the Board of Supervisors that the 40.90 acre withdrawal from the Brandy Station Agricultural and Forestal District be approved.

Mr. Egertson displayed a copy of the tax map highlighting the location of the property. He said the property owner was requesting early withdrawal from the District based on a financial hardship. He stated this District was up for renewal in approximately two to three months and could be withdrawn by right at that time, but the property owner had requested early withdrawal. He said that the Agricultural and Forestal Districts Advisory Committee reviewed the request and found the hardship to be significant and recommended approval. He stated the request was ready for the Board's consideration.

Bill Barren, representing the applicant, informed the Board that Ms. Ayers was his wife's sister and the parcel in question was formerly part of the Witten farm. He said Mrs. Witten left each grandchild 20 acres, and Crimora Witten Ayers was the trustee for her two children, and his wife was trustee of another 60-acre parcel for their three children. He explained the request was necessitated by a financial hardship when his niece's husband left her and their four children. He said his niece was in a financial crisis and she would like to sell her land and alleviate her emotional and financial distress.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mr. Walker, to accept the recommendation of the Planning Commission for approval of the withdrawal from the Brandy Station Agricultural and Forestal District.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

**AMENDMENT TO ARTICLE 22 OF THE ZONING ORDINANCE.** The Board of Supervisors will consider amendments to Article 22 – AMENDMENTS. The amendments would clarify the calculation of the twelve (12) month application time limitation (Virginia Code Section 15.2-2286(7) and would require a six (6) month waiting period before filing a rezoning application following the withdrawal of an application on the same property.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found these amendments to be appropriate and recommended to the Board of Supervisors that the amendments be adopted.

Mr. Egertson stated that the two amendments proposed would be new sections to be added to Article 22 of the Zoning Ordinance:

Section 22-1-2(A). Calculating 12 Month Application Limitation on Applications was already in the *State Code* and was current County policy. It provides clarification on how the County calculates the 12-month period, i.e., the Board must make a decision within 12 months from the time the zoning application, but each delay caused at the request of the applicant would not be counted against that 12 months.

Section 22-1-2(B). Time Limitation on Filing Application After Withdrawal would require a six-month waiting period after the withdrawal of an application for a rezoning on the same property. This is a standard procedure in surrounding counties. There are some counties that have no waiting period, like Culpeper County currently, but most of the counties polled seemed to have a six-month waiting period after a withdrawal.

Mr. Egertson stated that these amendments were forwarded by the Rules Committee to the Planning Commission for consideration and public hearing, and were being recommended for adoption by the Board.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Walker moved, seconded by Mr. Nixon, to accept the recommendation of the Planning Commission to approve the amendments to Article 22 of the Zoning Ordinance.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

**REVIEW OF THE WATERFORD RUN AGRICULTURAL AND FORESTAL DISTRICT.**

The Board of Supervisors will review the current Waterford Run Agricultural and Forestal District, which expires in September 2004. The Board will make a decision regarding whether the District should be continued, modified, or terminated.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the Waterford Run Agricultural and Forest District appropriate for renewal based upon its agricultural value. This finding is consistent with the recommendation of the Agricultural and Forestal Districts Advisory Committee. He said the Planning Commission was recommending to the Board of Supervisors that the Waterford Run Agricultural and Forestal District be renewed, effective August 2004 and continued until its next review in August 2012.

Mr. Egertson explained that currently the County had 14 Agricultural and Forestal Districts and several would be coming before the Board over the course of the next three months. He noted there were four on the current agenda being recommended for continuation for another eight-year period. He indicated that each Supervisor had been given an ordinance for each District which reflected all of the withdrawals requested to date. He said this was the point in time when individuals enrolled in the District could withdraw at their own request if they chose to do so. He noted that every owner within these Districts had been notified in writing of this process and had been given the chance to withdraw.

Mr. Egertson stated that the Waterford Run Agricultural and Forest District started out with 3,066 acres, and through this renewal process, there were a number of withdrawals, reducing the District to 2,449 acres. He stated it was still a viable District and would continue for an eight-year period. He said that staff was recommending that the Board adopt the ordinance that would continue the District until August 2012.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Rosenberger moved, seconded by Mr. Nixon, to accept the recommendation of

the Planning Commission to adopt the ordinance.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

**REVIEW OF THE RACCOON FORD AGRICULTURAL AND FORESTAL DISTRICT.** The

Board of Supervisors will review the current Raccoon Ford Agricultural and Forestal District, which expires in September 2004. The Board will make a decision regarding whether the District should be continued, modified, or terminated.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the Raccoon Ford Agricultural and Forest District appropriate for renewal based upon its agricultural value. This finding is consistent with the recommendation of the Agricultural and Forestal Districts Advisory Committee. He said the Planning Commission was recommending to the Board of Supervisors that the Raccoon Ford Agricultural and Forestal District be renewed, effective August 2004 and continued until its next review in August 2012.

Mr. Egertson stated that the Raccoon Ford District began with 1,426 acres, it had experienced one request for withdrawal, reducing it to 1,192 acres. He said it was still a viable District and was recommended for continuance to August 2012.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Lee moved, seconded by Mrs. Hansohn, to approve the ordinance as recommended by the Planning Commission.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

**REVIEW OF THE DEATHERAGE RUN AGRICULTURAL AND FORESTAL DISTRICT.**

The Board of Supervisors will review the current Deatherage Run Agricultural and Forestal District, which expires in September 2004. The Board will make a decision regarding whether the District should be continued, modified, or terminated.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the Deatherage Run Agricultural and Forest District appropriate for renewal based upon its agricultural value.

This finding is consistent with the recommendation of the Agricultural and Forestal Districts Advisory Committee. He said the Planning Commission was recommending to the Board of Supervisors that the Deatherage Run Agricultural and Forestal District be renewed, effective August 2004 and continued until its next review in August 2012.

Mr. Egertson displayed a tax map which depicted the existing Deatherage Run District and informed the Board that the Deatherage Run District began with 8,665 acres and would be renewed with 7,823, which included the Lowery property added earlier. He said it remained a viable District and was recommended for the Board's approval.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Nixon moved, seconded by Mr. Walker to approve the ordinance as recommended by the Planning Commission.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

**REVIEW OF THE BRANDYWINE AGRICULTURAL AND FORESTAL DISTRICT.** The Board of Supervisors will review the current Brandywine Agricultural and Forestal District, which expires in September 2004. The Board will make a decision regarding whether the District should be continued, modified, or terminated.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the Brandywine Agricultural and Forest District appropriate for renewal based upon its agricultural value. This finding is consistent with the recommendation of the Agricultural and Forestal Districts Advisory Committee. He said the Planning Commission was recommending to the Board of Supervisors that the Brandywine Agricultural and Forestal District be renewed, effective August 2004 and continued until its next review in August 2012.

Mr. Egertson displayed a tax map which highlighted the existing District. He noted there were two parcels totaling 189 requested to be withdrawal at this time. He stated the District began with 2,769 and had been reduced to 2,580 acres. He said it was a viable District and was recommended for the Board's approval.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Lee moved, seconded by Mr. Walker, to approve the ordinance as recommended by the Planning Commission.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

**ADJOURNMENT**

Mrs. Hansohn moved to adjourn at 7:26 p.m. Seconded by Mr. Nixon.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

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Peggy S. Crane, CMC  
Deputy Clerk

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John F. Coates, Chairman

ATTEST:

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Frank T. Bossio  
Clerk of the Board

APPROVED: September 7, 2004